

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
vs.) Case No: 17-CR-038 (PG)
)
ISIDRO SUAREZ-REYES,)
)
 Defendant.)

A P P E A R A N C E S

Ms. Cristina Caraballo, AUSA

Mr. Ruben Cerezo, ESQ.

1 (PROCEEDINGS COMMENCED AT 11:11 A.M.)

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3 DEPUTY CLERK: Criminal Case 17-38, United States
4 of America versus Isidro Suarez-Reyes. Case called for
5 sentence. On behalf of the Government, Assistant U.S.
6 Attorney Cristina Caraballo. On behalf of the defendant,
7 Ruben Cerezo. Just a second.

8 MS. CARABALLO: Good morning, Your Honor.

9 MR. CEREZO: Good morning, Your Honor. Ruben
10 Cerezo on behalf of the defendant. We are ready to proceed.

11 MS. CARABALLO: The United States is also ready to
12 proceed.

13 MR. CEREZO: We are ready, Your Honor.

14 THE COURT: All right. The matter is before the
15 Court this morning for sentence. Counsel, have you read the
16 presentence report?

17 MR. CEREZO: Yes, Your Honor, we have read it and
18 we are in agreement.

19 THE COURT: And have you discussed the contents of
20 the report with your client?

21 MR. CEREZO: Yes, Your Honor.

22 THE COURT: Mr. Suarez, did your attorney explain
23 to you the information that is contained in the presentence
24 report?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: And is there any information or any
2 facts in that report that need to be corrected at this time?

3 MR. CEREZO: Not that I have seen. We filed a
4 brief sentencing memorandum.

5 THE COURT: I know. I read it.

6 Mr. Sanchez, any corrections or amendments to any
7 of the information contained in the presentence report?

8 THE DEFENDANT: No, Your Honor.

9 THE COURT: Any from the Government?

10 MS. CARABALLO: Yes, Your Honor. We have examined
11 the documents in the docket, and we agree with the
12 calculations as contained in the presentence report.

13 THE COURT: So there is no objection?

14 MS. CARABALLO: There's no objection.

15 THE COURT: Counsel, is there anything you would
16 like to state to the Court on behalf of your client before I
17 pronounce sentence?

18 MR. CEREZO: We filed a brief sentencing
19 memorandum. If we address the Court, we will be repeating
20 what has been in front of the Court. We just would like --
21 request leniency and at sentencing take into consideration
22 that maybe his predisposition to commit crimes is low,
23 taking into consideration the time that he spent in Puerto
24 Rico for over 12 years, being gainfully employed in very
25 particular places, and never had any problem besides drunk

1 driving. And he is looking forward to go to his family that
2 needs him badly. He has already the capacity to be
3 gainfully employed in the hotel industry as an electrician
4 in the Punta Cana and Bavaro area.

5 THE COURT: Thank you. Mr. Suarez, do you care to
6 state anything at this time?

7 THE DEFENDANT: If you allow me to, yes, sir.

8 THE COURT: Go ahead.

9 THE DEFENDANT: Yes. I would like to tell you
10 first of all that I am very -- I feel very ashamed for being
11 here before you today. I am very embarrassed by all of
12 this. I am not the type of person to be in this type of
13 situation, and I feel very ashamed.

14 For over 12 years, I have worked with many, many
15 people, good Puerto Rican people, including Santiago Villar,
16 who I found out recently was deceased, with the Cartier
17 jewelry store, with Louis Vuitton, with the Callen family,
18 the owners of the Holiday Inn Hotels, who I worked with
19 personally, and I can't even think what they would say if
20 they saw me here. I also worked at the medical center. I
21 worked at San Lucas in Ponce.

22 I feel very ashamed for all of this. I have
23 worked so hard to support my family. My mother who has
24 diabetes, I help her with her medications. My father as
25 well. I know that my family is being affected by all of

1 this, and they have had -- I have even known that they have
2 had to go to bed without dinner because I am not there,
3 because of my absence. I am the one who would help them
4 with their food and medications. And being here, I can't
5 provide for them or help them in any way. And that would be
6 all. Thank you.

7 THE COURT: Thank you. Anything from the
8 Government?

9 MS. CARABALLO: Yes, Your Honor. For this hearing
10 we have examined the documents in the docket, and especially
11 the presentence report, and we very respectfully would like
12 to submit to the Court that although the defense is
13 requesting leniency below the recommended total offense
14 level, we understand that a sentence within the total
15 offense level recommended between 15 and 20 months is more
16 than adequate.

17 We understand what Mr. Suarez indicates about how
18 his family needs him, however, coming illegally to this
19 country was not going to help them either. So we understand
20 that a sentence of at least 15 months is adequate, Your
21 Honor. Submitted.

22 THE COURT: Thank you. On March 16, 2017,
23 Mr. Isidro Suarez-Reyes pled guilty to the only count of the
24 indictment in Criminal 17-038, charging him with violating
25 Title 8 United States Code Section 1326(a) and (b)(2), a

1 Class C felony. The November 1, 2016 edition of the United
2 States Sentencing Guideline has been used by the Court to
3 apply the now advisory guideline calculations.

4 The guideline for Title 8 Section 1326(a) is found
5 in Guideline 2L1.2. That section provides that an offense
6 involving the unlawful entry, re-entry or remaining of a
7 removed alien has a base offense level of 8 pursuant to
8 Guideline 2L1.2(a).

9 Since the defendant after ordered removed from the
10 United States for the first time engaged in criminal conduct
11 that resulted in a conviction for a felony offense for which
12 sentence imposed exceeded one year -- it was 18 months -- a
13 six-level increase is applied pursuant to Guideline
14 2L1.2(b) (3) (C).

15 Since the defendant has accepted responsibility
16 for the offense conduct, a three-level decrease is warranted
17 pursuant to Guideline 3E1.1(a) and (b). There are no other
18 applicable guideline adjustments.

19 Based on a total offense level of 12 and a
20 criminal history category of III, the guideline imprisonment
21 range for this offense is from 15 to 21 months, with a fine
22 range of 5,500 to 55,000, plus a supervised release term of
23 at least one but not more than three years.

24 The Court has reviewed the advisory guideline
25 calculations and finds that the presentence investigation

1 report has adequately applied the guideline computations.
2 The guideline computations satisfactorily reflect the
3 components of this offense by considering its nature and
4 circumstances. Furthermore, the Court has considered the
5 other sentencing factors as set forth in 18 U.S.C. 3553(a).

6 Mr. Suarez-Reyes is a 51-year-old Dominican
7 citizen, a resident of San Francisco de Macoris, Dominican
8 Republic. He has four dependents. He completed the
9 equivalent of high school in his native country. He has
10 earned a living as an electrician and as a vocalist. He
11 suffers from high blood pressure and is recovering from a
12 kidney infection. There is no known history of emotional
13 and/or psychological problems within his background.
14 Further, Mr. Suarez-Reyes has no known history of drug abuse
15 or abuse of substance and yielded negative to all drug tests
16 during the pre-bail interview. Notwithstanding, this is
17 Mr. Suarez-Reyes' fourth known arrest and third conviction.

18 The Court has taken into consideration all of the
19 Title 18 United States Code Section 3553 factors, the
20 elements of the offense, Mr. Suarez-Reyes' participation in
21 the same, the need to promote respect for the law and
22 protect the public from further crimes by this defendant, as
23 well as address the issues of deterrence and punishment.

24 The Court deems that a sentence at the upper end
25 of the guideline range is a sentence that is just and not

1 greater than necessary. Therefore, it is the judgment of
2 this Court that Mr. Isidro Suarez-Reyes is hereby committed
3 to the custody of the Bureau of Prisons to be imprisoned for
4 a term of 21 months.

5 Upon release from confinement, you shall be placed
6 on supervised release for a term of three years under the
7 following conditions: You shall not commit another federal,
8 state or local crime, and observe the standard conditions of
9 supervised release recommended by the Sentencing Commission,
10 adopted by this Court. You shall not unlawfully possess
11 controlled substances, and refrain from possessing firearms,
12 destructive devices or other dangerous weapons.

13 At the completion of the defendant's term of
14 imprisonment, he shall be surrendered to the custody of U.S.
15 Immigration and Customs Enforcement for removal proceedings
16 consistent with the Immigration and Nationality Act. If
17 deported or granted voluntary departure, the defendant shall
18 remain outside of the United States and all places subject
19 to its jurisdiction unless prior written permission to
20 re-enter is obtained from the pertinent legal authorities
21 and the defendant notifies in writing the probation officer
22 of this Court to that effect.

23 He shall cooperate in the collection of a DNA
24 sample as directed by the probation officer pursuant to the
25 revised DNA collection requirements and 18 U.S.C.

1 3563(a) (9) .

2 The Court finds that the conditions imposed are
3 reasonably related to the offense of conviction and to the
4 sentencing factors set forth in 18 U.S.C. 3553. Further,
5 the Court finds that the conditions imposed are consistent
6 with the pertinent policy statements issued by the
7 Sentencing Commission pursuant to Title 28 United States
8 Code Section 994(a) and that there is no greater deprivation
9 of liberty than what is reasonably necessary to fulfill all
10 the sentencing objectives, including rehabilitation,
11 positive reintegration to the community, just punishment and
12 deterrence.

13 Having considered Mr. Suarez-Reyes' financial
14 condition, a fine is not imposed. Special monetary
15 assessment in the amount of \$100 is imposed as required by
16 law.

17 And I advise you that you have a right to appeal
18 your conviction and sentence if you feel that the same was
19 imposed in violation of the law as a result of an incorrect
20 application of the sentencing guidelines or that it was
21 unreasonable. Any notice of appeal must be filed here in
22 the District Court within 14 days after the judgment is
23 entered. And if you wish to appeal and you cannot pay for
24 the cost of the appeal, you may apply for leave to appeal in
25 forma pauperis. You are being represented by counsel, so if

1 you decide to appeal, Mr. Cerezo will continue representing
2 you until and if he is released from his appointment by the
3 Court and a new attorney is appointed to represent
4 Mr. Suarez.

5 Anything else, Counsel?

6 MR. CEREZO: Nothing, Your Honor.

7 MS. CARABALLO: Nothing further from the
8 Government.

9 THE COURT: Thank you. You may withdraw.

10 (PROCEEDINGS ADJOURNED AT 11:29 A.M.)

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1 UNITED STATES DISTRICT COURT)
2 OF PUERTO RICO) ss.
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5 **REPORTER'S CERTIFICATE**
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8 I, LISA O'BRIEN, do hereby certify that the above
9 and foregoing, consisting of the preceding 10 pages,
10 constitutes a true and accurate transcript of my
11 stenographic notes and is a full, true and complete
12 transcript of the proceedings to the best of my ability.

13 Dated this 16th day of January, 2018.
14

15 S/Lisa O'Brien
16 Lisa O'Brien
17 USDC Court Reporter
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